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OFFICE OF PETITIONS

In re Application of :
Dougherty, et al. : DECISION ON PETITION
Application No. 10/674,923 :
Filed: September 30, 2003 :
Docket No.: 200304427-2 :
:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 16, 2006.

This application was held abandoned March 16, 2006 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) December 15, 2005. Notice of Abandonment was mailed April 21, 2006.

Petitioners assert that the issue fee transmittal submitted March 10, 2006 inadvertently failed to authorize the Office to charge the issue fee and publication fee payments to applicants' deposit account. However, petitioners argue that this is a forgivable oversight within the meaning of MPEP 1306.

The arguments advanced by petitioners have been carefully reviewed and found convincing.

In view thereof, the petition is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


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Office of Petitions